

Our Reference: SPM-390-A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Robert Puskeiler et al.
Serial Number:	10/540,299
Filing Date:	December 8, 2005
Examiner/Group Art Unit:	Doe, Shanta G./1797 Conf. #: 8286
Title:	DEVICE AND METHOD FOR PARALLEL, AUTOMATED CULTIVATION OF CELLS IN TECHNICAL CONDITIONS

RESPONSE TO RESTRICTION REQUIREMENT

MAIL STOP- Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir/Madam:

This communication is submitted in response to the Office Action dated October 6, 2009, in which the Examiner asserts that claims 1-54 are subject to an election of invention and restriction of species requirement. If any charges or fees must be paid in connection with the following communication, they may be paid out of our Deposit Account No. 25-0115.

The Examiner requires restriction to one of the following inventions under 35 USC 121:

- I. claims 1-20, 31-34, 47 and 48, characterized in the Action as being drawn to a device for cultivating cells in a column on a milliliter scale;
- II. claims 21-30 and 35-46, characterized in the Action as being drawn to an agitation system; and
- III. claims 49-54, characterized in the Action as being drawn to a method of cultivating cells in liquid columns on a milliliter scale.

The Examiner asserts that the inventions do not relate to a single general inventive concept under PCT Rule 13.1 because they lack the same or corresponding special

technical features. The Examiner cites as support the Kocienski reference (US7547135). Applicants note that the reference is not prior art to the application and is only used by the Examiner to support his election request.

Applicants elect without traverse for examination invention II to which claims 21-30 and 35-46, reciting an agitation system, are drawn.

The Examiner also requires election of one of six species if Group I is elected. However, Group I is not elected and the restriction is moot at this time. Applicants reserve the right to pursue the claims of Group I and III in divisional applications.

If the Examiner feels that prosecution of the present application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,



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Dated: November 4, 2009